

Statutory Instrument 1999 No. 3071

The General Chiropractic Council (Professional Indemnity Insurance) Rules Order 1999

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STATUTORY INSTRUMENTS

1999 No. 3071

CHIROPRACTORS

The General Chiropractic Council (Professional Indemnity

Insurance) Rules Order 1999

Made 4th November 1999

Coming into force 10th November 1999

At the Council Chamber, Whitehall, the 4th day of November 1999

By the Lords of Her Majesty's Most Honourable Privy Council

Whereas in pursuance of sections 35(2) and 37 of the Chiropractors Act 1994^[1] the General Chiropractic Council have made the General Chiropractic Council (Professional Indemnity Insurance) Rules 1999 as set out in the Schedule to this Order:

And whereas by section 35(1) of the said Act such Rules shall not have effect until approved by the Privy Council:

Now, therefore, Their Lordships, having taken the said Rules into consideration, are pleased to, and do hereby, approve the same.

This Order may be cited as the General Chiropractic Council (Professional Indemnity Insurance) Rules Order 1999 and shall come into force on 10th November 1999.

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

THE GENERAL CHIROPRACTIC COUNCIL (PROFESSIONAL INDEMNITY INSURANCE) RULES 1999

The General Chiropractic Council, in exercise of its powers under sections 35(2) and 37 of the Chiropractors Act 1994^[2], and of all other powers enabling it in that behalf, hereby makes the following Rules: -

Citation and commencement

1. These Rules may be cited as the General Chiropractic Council (Professional Indemnity Insurance) Rules 1999, and shall come into force on 10th November 1999.

Interpretation

2. In these Rules -

"the Act" means the Chiropractors Act 1994;

"the Council" means the General Chiropractic Council;

"the prescribed amount" means -

(a) in respect of a period of insurance expiring on or before 31st December 2000, the amount of £1,000,000, and

(b) in respect of a period of insurance expiring after that date, the amount of £3,000,000; and

"the prescribed risks" means the risks that are prescribed by Rule 4(1), and

"prescribed risk" shall be construed accordingly.

Requirement to insure

3. - (1) Every registered chiropractor practising as a chiropractor in the United Kingdom shall, whilst in practice, secure and maintain insurance against liability to or in relation to his patients in respect of the prescribed risks.

(2) The insurance secured and maintained under this Rule shall indemnify the chiropractor for an aggregate sum for each period of insurance of not less than the prescribed amount, being an aggregate sum indemnified in respect of all claims against the chiropractor for whom the insurance is effected which fall within paragraph (5) and which are made against him during the period of insurance.

(3) Any period of insurance for the purposes of paragraph (2) shall not exceed 12 months.

(4) The insurance effected under this Rule shall provide perpetual cover in relation to things done (or negligently omitted to be done) after the policy of insurance concerned is first in effect (whether or not it is subsequently modified on any renewal) and which give rise to a liability comprising a prescribed risk, in a case where a chiropractor retires or dies while the policy is still in effect following its issue or any such renewal; but the policy may limit the total amount of the indemnity afforded in respect of such perpetual cover to the expiring residue of the aggregate referred to in paragraph (2) for the last period of insurance (that is to say, to the aggregate for that period after deduction of any liabilities in respect of claims counting against the aggregate under that paragraph).

(5) For the purpose of calculating whether all or part of a claim in respect of a prescribed risk exceeds the limit of indemnity represented by the aggregate sum indemnified under paragraph (2) or the total amount of indemnity under paragraph (4), liabilities in respect of claims made against the chiropractor within the period of insurance in question, or (as the case may be) after death or retirement, and relating to any aspect of the chiropractor's practice (whether or not comprising prescribed risks), including public and product liability, may be taken into account and counted against the aggregate or total; and the policy of insurance may make provision to the effect that claims attributable to one source or original cause may be treated as a single claim.

Prescribed risks

4. - (1) The prescribed risks are -

(a) any civil liability in respect of any negligent error, act or omission incurred in the course of practice in providing professional services as a chiropractor in the United Kingdom, other than a liability in respect of fines, penalties and punitive or exemplary damages or a liability arising from the services being provided under the influence of intoxicants or narcotics;

(b) any liability of the kind described in sub-paragraph (a) above attributable to an assistant or receptionist employed by the chiropractor or acting under his supervision;

(c) any liability to pay costs, fees or expenses of or incidental to proceedings in claims for liability as set out in sub-paragraphs (a) or (b) above incurred with the consent of the insurer.

(2) The policy of insurance in respect of the prescribed risks may exclude liability in connection with acquired immune deficiency syndrome (AIDS) or human immunodeficiency virus (HIV), or any similar syndrome or condition, and in connection with ionising radiation or radioactivity (but not in connection with the use of X-ray equipment in the course of the chiropractor's practice).

Proof of compliance

5. The Registrar may at any time require a registered chiropractor practising as a chiropractor in the United Kingdom to provide the Council with evidence acceptable to the Registrar that he has complied with these Rules.

Failure to comply

6. - (1) A failure by a registered chiropractor to comply with these Rules shall

constitute unacceptable professional conduct.

(2) If in the opinion of the Registrar a chiropractor is in breach of the requirements of these Rules, the Registrar shall, unless he considers that the breach is insufficiently substantial to justify a reference, refer the matter to the Investigating Committee, and the reference shall for all purposes of the Act be treated as an allegation of unacceptable professional conduct under section 20(1)(a) of the Act and shall be dealt with under the Act accordingly.

Given under the common seal of the General Chiropractic Council this 21st day of October 1999.

Alan Breen
Member

K. E. Flintoff
Member

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Chiropractors Act 1994, approves Rules made by the General Chiropractic Council requiring registered chiropractors to take out professional indemnity insurance.

Notes:

[1] 1994 c. 17.[back](#)

[2] 1994 c. 17.[back](#)

ISBN 0 11 085512 4

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Prepared 22 November
1999